

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 2 through 10, 12 through 17, 19, and 20 are pending, with Claims 2 and 12 being independent. Claims 3 through 5, 9, 10, and 14, which were indicated as being allowable if rewritten in independent form, have been respectfully maintained in dependent form, as Applicant earnestly believes that the claims from which they depend will be found allowable. Claims 2 through 4, 12 through 14, and 19 have been amended.

Applicant gratefully wishes to thank the Examiner for the courtesies extended in granting and conducting on July 28, 2003, a personal interview with Applicant's representative. At the interview, Applicant's representative and the Examiner discussed the outstanding rejections of Claims 2 and 6 through 8 under 35 U.S.C. §§ 102 and 103 over U.S. Patent No. 5,623,364 (Morooka) and Official Notice, and of Claims 12, 13, and 15 through 20 under 35 U.S.C. §§ 102 and 103 over U.S. Patent Nos. 6,512,641 B2 (Omura) and 5,424,552 (Tsuji, et al.) and U.S. Patent Application Publication No. 2002/0149756 A1 (Tokuda, et al.) and Official Notice, all of which are respectfully traversed, as well as proposed amendments to the claims.

As discussed at the interview, Claim 2 recites, inter alia, an optical element having different refracting powers in two orthogonal directions or having a refracting power in one direction of two orthogonal directions and no refracting power in the other of the two orthogonal directions, the optical element being rotatable about a rotational axis, which is an optical axis of the optical system, and being tiltable relative to the optical axis.

As also discussed at the interview, Claim 12 recites, inter alia, an optical element having different refracting powers in two orthogonal directions or having a refracting power in one direction of two orthogonal directions and no refracting power in the other of the two orthogonal directions, the optical element being disposed between the mask and the wafer and being inclined with respect to an optical axis.

However, as discussed at the interview, Applicant respectfully submits that neither Morooka nor Official Notice, even in combination, assuming, arguendo, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claim 2. Applicant also respectfully submits that none of Omura, Tsuji, et al., Tokuda, and Official Notice, even in the proposed combinations, assuming, arguendo, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claim 12. As discussed at the interview, Applicant notes that Tsuji, et al. shows, e.g., cylindrical lenses 340 and 341 as discussed at col. 57, lines 50-54; however, Applicant respectfully submits that such constitutes neither a description nor a suggestion of the above-discussed claimed features as recited, inter alia, in Claim 12. Furthermore, the Official Notice is respectfully traversed in the absence of a cited reference, which reference Applicant respectfully requests be provided for his review. MPEP 2144.03. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed

above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



---

Attorney for Applicant  
Daniel S. Glueck  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
DSG/dc

DC\_MAIN 139499v1